

NOTICE AND AGENDA  
Apple Valley Utah  
Planning Commission

Notice is given that a meeting of the Town of Apple Valley Planning Commission will be held on **Wednesday, April 22<sup>nd</sup> 2020** commencing at 6:00 PM, or shortly thereafter.

Pursuant to the Executive Order issued by Governor Gary Herbert on March 18, 2020 regarding Electronic Public Meetings, please be advised that the meeting will be held electronically and will be broadcast via Zoom. Persons allowed to comment during the meeting may do so via Zoom. Login to the meeting by visiting <https://zoom.us/j/94987641298>

To call into meeting, dial (253) 215-8782 and use Meeting ID 949 8764 1298

The Agenda for the meeting is as follows:

**Call to Order/ Pledge of Allegiance/ Roll Call**  
**Declaration of Conflicts of Interest**

**DISCUSSION AND ACTION**

1. Introduction and **Public Hearing** on amendments to 10.10.050 RE Rural Estates Zone
2. Discussion and possible recommendation on 10.10.050 RE Rural Estates Zone
3. Introduction and **Public Hearing** on amendments to 10.10.100 Recreational Vehicle Park Zone
4. Discussion and possible recommendation on 10.10.100 Recreational Vehicle Park Zone
5. Discussion and possible recommendation on 10.28.235 Accessory Buildings and Accessory Uses General Requirements and addition of 10.28.235 Shipping Containers (Public Hearing 9/25/19)
6. Discussion on amendments to the Apple Valley General Plan and General Plan Map
7. Discussion on proposed zoning – Tourist Commercial

**ADJOURNMENT**

CERTIFICATE OF POSTING: I, Ben Billingsley, as duly appointed Deputy Clerk for the Town of Apple Valley, hereby certify that this notice was posted on the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town Website [www.applevalleyut.gov](http://www.applevalleyut.gov) on the **21<sup>st</sup> day of April, 2020**.

**Dated this 21<sup>st</sup> day of April, 2020**

Ben Billingsley  
Town of Apple Valley

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS and MEETINGS  
In compliance with the American with Disabilities Act, individuals needing special accommodations (Including auxiliary communicative aids and services) during this meeting should call 435-877-1190.

**SECTION 1:            AMENDMENT** “10.10.050 RE Rural Estates Zone” of the Apple Valley Land Use is hereby *amended* as follows:

## AMENDMENT

### 10.10.050 RE Rural Estates Zone

- A. Purpose: The purpose of this zone is to provide permanent area for small farms, hobby farms and limited agricultural development for personal use.
- B. Permitted uses: Uses permitted in this zone are as follows:
1. Single-family dwellings not less than 1250 sq.ft. on the main floor;
  2. Accessory buildings and uses, following issuance of a building permit for a permanent dwelling;
  3. Home occupations;
  4. Traditional household pets (dogs, cats), provided they are not kept, bred, or maintained for any commercial purposes. Pets are expected to be fenced/leashed, sheltered from the weather, and trained to not be a noise nuisance;
  5. Raising of crops, gardens, and horticulture;
  6. Residential facility for persons with a disability (see AVLU 10.28 for supplementary information);
  7. Residential facility for the elderly (see AVLU 10.28 for supplementary information);
  8. Churches;
  9. Park or playgrounds;
  10. The keeping of animals and fowl for family food production, but not for commercial use.
  11. Animal Allowances/Restrictions:
    - a. The number of domesticated animals which may be maintained on the property shall be determined on the basis of a point system. No parcel of property shall exceed one hundred (100) points per acre. Lots of less than or greater than one (1) acre will be apportioned 25 points in 0.25 acre increments (e.g., a 1.20 acre lot is allocated 100 points. A 1.25 acre lot is allocated 125 points).
    - b. Type of animal or fowl (number of points per animal), further restrictions:
      - (1) Cow, horse, donkey, mule, or similar large animal, and potbelly pig (5025 points each), but not to exceed the maximum of ten (10) large animals on any lot per five (5) acres;
      - (2) Miniature horses, sheep, goats, or similar medium-size animals, less than 36 inches in height as measured from the withers, (258 points each), but not to exceed the maximum of twenty (20) medium animals on any lot per five (5) acres;
    - c. Turkeys, geese, pheasants, and similar medium-size fowl (15 points

- ~~each), but are~~ not to exceed ~~the maximum of~~ twenty (20) medium fowl ~~on any lot per five (5) acres;~~
- d. Chickens, ducks, pigeons, doves, rabbits, or similar small fowl/animal ~~(5 points each), but are~~ not to exceed ~~thirty thirty~~ (30) small fowl/animals per five (5) acres.
  - e. No rooster is permitted on any lot which is less than ~~five (acres) one (1)~~ acre, and then, only one (1) rooster is allowed per ~~thirty thirty~~ (30) chickens.
  - f. No exotic animals shall be kept on any lot with in the Rural Estates Zone.
  - g. ~~Other than domesticated potbelly pigs allowed under AVLU 10.10.050.B.11.b(1), the~~ Other than domesticated potbelly pigs allowed under AVLU 10.10.050.B.11.b(1), the keeping of any pigs is not allowed in the Rural Estates Zone.
  - h. ~~The unweaned, offspring of a residing animal or fowl, under six (6) months of age;~~ The following shall be excluded from consideration for the purpose of determining compliance with this section:
    - (1) The unweaned, offspring of a residing animal or fowl, under six (6) months of age.
    - (2) School-aged Apple Valley Residents participating in a 4-H, FFA or similar youth program raising an animal with the intent to sell the animal at auction within twelve (12) months.
  - i. Animals should be contained on resident's property. Animal enclosures should be cleaned regularly, be in good repair, give the animals ample room, and offer the animals shelter and shade.
  - j. Noise, safety, pests or smell nuisances that result from improper care of animals or property are strictly prohibited ~~Animals must not be allowed to become a noise or smell nuisance.~~
  - k. Violation of this AVLU 10.10.050.B.11 is considered an infraction, and punishable by fine up to \$750.

12. Any use not specifically allowed under permitted uses shall be prohibited.

C. Height Regulations: No building shall be erected to a height greater than ~~thirty thirty~~ five (35) feet. No accessory building shall be erected to a height greater than twenty-five (25) feet.

D. Minimum Area, Width, and Yard Regulations

District	Area	Width in Feet	Yard Setbacks in Feet for Primary Residence		
			Front	Side	Rear
RE-1.0	1.0 acre	100	25	10	10
RE-2.5	2.5 acres	150	25	25	25
RE-5.0	5.0 acres	200	25	25	25
RE-10.0	10.0 acres	300	25	25	25
Re-20.0	20.0 acres	400	25	25	25
RE-X	**Any Size	400	25	25	25

\*\* No more than one (1) home on property

E. Modifying Regulations:

- a. Side Yards: The side yard setback on a "street side" yard shall be the same as a front yard setback. Accessory buildings located at least ten (10) feet away from the main building must have a side or rear property setback of at least ten (10) feet on interior lot lines.
- b. Distance Between Buildings: No two (2) buildings on the same property shall be located closer together than ten (10) feet. No building, structure, or pen/corral/coop/kennel housing animals or fowl shall be constructed closer than fifty (50) feet to a dwelling unit on an adjacent lot, or thirty (30) feet from property line, whichever is further. Animal enclosures shall be behind the main dwelling and shall be no closer than ~~thirty~~thirty (30) feet to main dwelling.
- c. Prohibited Materials and Storage: No trash, rubbish, weeds, or other combustible material shall be allowed to remain on any lot outside of approved containers in any residential zone. No junk, debris, or junk cars shall be stored or allowed to remain on any lot in any residential zone.
- d. All lighting shall comply with AVL 10.26 Outdoor Lighting Ordinance.
- e. No industrial-looking building such as pre-engineered steel or pole barns are allowed, unless specifically approved by the planning commission.
- f. For additional restrictions and clarifications in this zone, see AVL 10.28 Supplementary and Qualifying Regulations for Land Use and Building.
- g. All street, drainage, utility and other public improvements shall be installed as required by the applicable town ordinances, standards and regulations. However, upon recommendation by the Planning Commission and approval of the Town Council based upon good cause shown, the requirements for the installation of dry sewer, curb, gutter and asphalt may be waived or delayed, as the Town Council, in its discretion, may determine.

**SECTION 1:            AMENDMENT** “10.10.100 Recreational Vehicle Park Zone” of the Apple Valley Land Use is hereby *amended* as follows:

## AMENDMENT

### 10.10.100 Recreational Vehicle Park Zone

- A. Purpose: The purpose of this zone is to provide for the development of a Recreational Vehicle Park (RVP) in a quality environment. Recreational Vehicle Parks are not intended for the isolated lot. But shall be for use in areas where larger tracts of land are available for development, and can be developed to a high standard of quality with landscaping, recreation facilities, etc.

The Recreational Vehicle Parks are designed and intended from the beginning to serve the transient or traveling public that travels with their own recreational vehicles, needing a place to hook-up their own recreational vehicles to utilities and services. The Minimum zone size shall be ~~ten (10)~~ twelve (12) Acres.

The primary location for a Recreational Vehicle Park is close to Highway 59 or other major roadways and ~~should~~shall not be located within one-thousand feet (1,000') ~~immediately next to~~of a residential neighborhood.

- B. Permitted Uses: Uses permitted in this zone are as follows:
1. Accessory buildings and uses
  2. Household pets
  3. Recreational Vehicle rental spaces
  4. Park, playground, Swimming Pool and Tennis courts or alike
  5. Other uses similar to the above and judged by the Planning Commission to be in harmony with the intent and character of this zone.
- C. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:
1. Clubhouse, sales or registration office, or on-site manager dwelling
  2. Other uses approved by the planning commission as being in harmony with the intent of the zone and similar in nature to the above listed uses such as a convenience store or restaurant.
- D. Height Regulations: No building shall be erected to a height greater than twenty five (25'). No accessory building shall be erected to a height greater than fifteen (15') feet.
- E. Recreational Vehicle Park Development Standards:
1. Minimum Size: Each recreational vehicle park shall have a minimum size of ~~ten (10)~~ twelve (12) acres.
  2. Roads:
    - a. Width: Each recreational vehicle park shall be provided with roadways of at least twenty five feet (25') in width.
    - b. Construction Specifications: All recreational vehicle parks shall be served by paved roads constructed to Town standards ~~and bounded by~~

~~curb and gutter approved by the Town.~~

3. Park Access: Access to all recreational vehicle parks shall be from a dedicated and approved public street at an approved point or points. No RV space shall have direct access from a public street nor may they exit or enter through a residential neighborhood.
4. Off Street Parking: Hard surface (concrete or Paved) parking spaces shall be provided for the parking of each recreational vehicle, and two (2) additional spaces for vehicles.
5. Recreation Space: Recreation space shall be provided for each recreational vehicle park having ten (10) or more units and shall be maintained for such use. A minimum usable area of five thousand (5,000) square feet shall be set aside and developed for each such park and an additional one hundred (100) square feet shall be provided for each unit above ten (10) units.
6. Density: The maximum density for a recreational vehicle park shall not exceed ~~ten (10)~~ seven (7) units per gross acre. The total units shall not exceed one hundred forty (140).
7. Space Width: Each recreational vehicle space shall have a minimum width of thirty feet (30') and all recreational vehicles shall be able to park in designated spaces and no portion of a driveway or roadway may be used for recreational vehicle parking.
8. Distance of Units: No RV space shall be designed to allow RV units to be parked closer than twenty feet (20'). This requirement shall apply to overnight, extended stay and park model units. No unit in an RV park shall be located closer than the distance required herein.
9. Minimum Yard Clearances for Recreational Vehicle Park:
  - a. Front or side yard on a public street, twenty five feet (25').
  - b. Side yard bordering adjacent property, ten feet (10').
  - c. Rear yard bordering adjacent property, ten feet (10').
  - d. A six foot (6') ~~block wall~~ fence which adheres to Town standards shall be erected along all side and rear property lines unless otherwise approved by the Planning Commission.
10. Utilities Required: Each recreational vehicle parking space shall have connections available for water, sewer and electricity. All utility connections shall be located underground. Water and sewer plans shall be approved by the Big Plains Water and Sewer Special Service District and the Town's Public Works Department.
11. Outdoor Living Space: Each recreational vehicle parking space shall be provided with a minimum of three hundred (300) square feet of "outdoor living" space located adjacent to the vehicle parking space. Said outdoor living space shall be maintained in a clean and weed free manner and shall be kept free from garbage or debris of any kind.
12. Landscape Plan: A detailed landscape plan shall be submitted for each recreational vehicle park, and shall be approved by the Planning Commission. The landscape plan shall be designed for low water consumption.

F. Other Requirements:

1. Perimeter Fence: Each Recreational Vehicle Park shall be fenced at the perimeter with a six foot (6') ~~high block wall~~ fence which adheres to Town standards unless approved by Planning Commission.
  2. Building Code; Permit: Installation of infrastructure and any Recreational Vehicle Park structures shall be done in conformance with the requirements of the current edition of the building code following approval of the building department, and the issuance of a building ~~pennt~~ permit.
  3. Street Construction: All streets in a Recreational Vehicle Park shall be paved according to the construction standards of the Town ~~and shall be bounded by curb and gutter.~~
  4. All lighting shall comply with AVU 10.26 Outdoor Lighting Ordinance.
  5. No tents of any kind may be used in this zone, unless included in a planned development agreement.
  6. All Recreational Vehicle Parks shall require a full time (24/7) on-site manager, who shall be responsible for ensuring compliance with the rules and regulations of the Town and safety of the property.
  7. The maximum stay allowed per Recreational Vehicle is sixty (60) days. Following a stay of at least seven (7) days, the same Recreational Vehicle may not return to the park for a minimum of thirty (30) days.
  8. A Recreational Vehicle Park and Tiny Home or Cabin Park may be combined in one park, ~~and the minimum size of park may be smaller than 10 acres~~ with details of such mixed zoning ~~and park size variations~~ being outlined in a Development Agreement.
  9. Park must have sufficient area for check-in which does not block the normal flow of traffic through the park. ~~The minimum required temporary parking area is twelve (12) feet per total units in the park.~~
- G. Subdivision Requirements: If the Recreational Vehicle Park is not intended to be in a single ownership, rather intended to be sold as individual lots, the subdivision shall then be subject to all applicable requirements of the Town's subdivision ordinance.

Dear Planning Commission,

9 April 2020

Thank you for the opportunity to provide input during your April 8, 2020 meeting regarding the RV Park Ordinance 10.10.100. This email is a follow up to that discussion.

RV Parks are incompatible with Residential Subdivisions. If the RV Parks are allowed too close to residential areas, they immediately create neighborhood security issues, excessive vehicle and ATV traffic thru the neighborhoods and eventually lead to decreased property values.

For this reason as well as many others, we are making the following recommendations for the Planning Commission to consider.

1. Recommend a town wide survey be conducted to obtain input from residents across this entire town since improperly placed RV Parks could adversely affect numerous current subdivisions in Apple Valley.
2. Recommend a minimum acreage for an RV Park Zone be established at 15 acres.
3. Recommend a buffer zone of 1 mile between any existing residential subdivision/single family home or 1/2 mile from any possible future subdivision/single family property.
4. Recommend the Planning Commission work with Town Council to review the town Land Use Plan and identify suitable locations for RV Parks/RV Storage. Such consideration should include access to the RV Park from a major thoroughfare such as Hwy 59 or Main Street. Park access should only be allowed at a stand alone access point from a major thoroughfare, definitely not shared with a residential subdivision.
5. Due to the weight of the motor homes and larger rigs, recommend all RV Park access roads must be constructed or upgraded to UDOT Highway specifications/standards.
6. Recommend consultation with Town, County and State Fire Marshals to assist with determining such items as how many RVs per acre, how many access/egress points, etc.
7. Due to the extremely harsh chemicals used in RV black water holding tanks, recommend consultation with Big Plain Special Service District, Southwest Public Health Dept. and State of Utah Environmental Quality Office regarding Septic/Sewer requirements to protect ground water sources.
8. Recommend any proposed "Mixed Use" RV Park/ Tiny Home or Cabin Parks should meet the same requirements of an RV Park. This should not be left up to the Development Agreement.
9. Regarding concrete curbing, recommend use of either an entire concrete surface roadway or use of "Ribbon" curb within the park. Concrete ribbon flat curb will help with deterioration of any asphalt edge from rig wheels running off the edge.
10. Park check-in should be sufficient enough size to ensure multiple rigs can exit major roadways and not create traffic backups at access points.
11. Individual ownership of rv spots should never be allowed.

Respectfully presented from the residents of Apple Valley.

Russ and Cheryl Volk

Kate and Dick Van Heule

Jay Kleinfeldt

Joey Gordon and Suzanne Copeland-Gordon

BRAD & PEGGY MAMMEN

Joey and Suzanne Copeland-Gordon  
Brad and Peggy Mammen

Brian and Kelley Jensen  
Tyson Bistline

John Marshall  
Heather Bistine

Tyler Wallace

SARA WALLACE

Kerry Snow

Suzanne Snow

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JAY KLEINFELDT

Dorlene Schumacher  
David J. Schumacher

1073 E. MAZANITA DR  
Cedar Point Apple Valley

~~John F. McNamara~~  
John F. McNamara.

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*Richard Van Heule, am*      *Kate Van Heule*  
*1262 E Red Sage Lane*

Jonathan Cyr  
Jonathan Cyr 1261 E Red Sage Ln.

Trinity Cyr  
Trinity LM 1261 E. Red Sage LN.

Wes Wynn  
Wes Wynn 1311 E. Red Sage Ln.

Travis Wellman  
Travis Wellman 1281 E RED SAGE

Rich Kopp  
631-379-2773

Debbie Kopp  
631-379-2771

Denny Bass  
435 201-3044

Wally Shearer  
509-674-6062

Sharon Shearer - 1171 E RED SAGE LN

Tanya M Kuvson 1242 E. RED SAGE LANE

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1 ARLYN C. & CATHERINE A. Anderson  
Arlyn C. Anderson  
Catherine A. Anderson

Annette & Robert Fallentine  
Anette & Robert Fallentine

ROBERT & DENISE PILKINGTON  


Garth and TARA HOOD  
Garth & Tara Hood

 + Alice Beluk  
Tim Tubman  
T Stone  
Tana Stone

Thomas & Susan Webb Thomas Webb & Susan  
Carter & Kay Gaffney Carter & Kay  
Louann Padon Louann Barlow  
Jesse Barlow Jesse Barlow

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Otto Holm ~~Ott~~ Holm

Rula Holm Rula Holm

Sari Simmerman

Glenn Simmerman

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Respectfully presented from the residents of Apple Valley.

Russ and Cheryl Volk

Kate and Dick Van Heule

Jay Kleinfeldt

Joey Gordon and Suzanne Copeland-Gordon

Jeggy Davis

1351 E Sage Lane  
Apple Valley, Ut. 84737

Barratt & Britta Nielson  
1396 E. Cedar Drive  
Apple Valley, VT 84737

Jeannette Barlow  
1366 E Cedar Drive  
Apple Valley, Ut 84737

Douglas & Esther Hammond  
1336 Cedar Dr.  
Apple Valley, UT 84737

Leland Ross Stroud     Esther Stroud  
1646 S. CLIFF DRIVE  
APPLE VALLEY, UTAH 84737

Dear Planning Commission,

9 April 2020

Thank you for the opportunity to provide input during your April 8, 2020 meeting regarding the RV Park Ordinance 10.10.100. This email is a follow up to that discussion.

RV Parks are incompatible with Residential Subdivisions. If the RV Parks are allowed too close to residential areas, they immediately create neighborhood security issues, excessive vehicle and ATV traffic thru the neighborhoods and eventually lead to decreased property values.

For this reason as well as many others, we are making the following recommendations for the Planning Commission to consider.

1. Recommend a town wide survey be conducted to obtain input from residents across this entire town since improperly placed RV Parks could adversely affect numerous current subdivisions in Apple Valley.
2. Recommend a minimum acreage for an RV Park Zone be established at 15 acres.
3. Recommend a buffer zone of 1 mile between any existing residential subdivision/single family home or 1/2 mile from any possible future subdivision/single family property.
4. Recommend the Planning Commission work with Town Council to review the town Land Use Plan and identify suitable locations for RV Parks/RV Storage. Such consideration should include access to the RV Park from a major thoroughfare such as Hwy 59 or Main Street. Park access should only be allowed at a stand alone access point from a major thoroughfare, definitely not shared with a residential subdivision.
5. Due to the weight of the motor homes and larger rigs, recommend all RV Park access roads must be constructed or upgraded to UDOT Highway specifications/standards.
6. Recommend consultation with Town, County and State Fire Marshals to assist with determining such items as how many RVs per acre, how many access/egress points, etc.
7. Due to the extremely harsh chemicals used in RV black water holding tanks, recommend consultation with Big Plain Special Service District, Southwest Public Health Dept. and State of Utah Environmental Quality Office regarding Septic/Sewer requirements to protect ground water sources.
8. Recommend any proposed "Mixed Use" RV Park/ Tiny Home or Cabin Parks should meet the same requirements of an RV Park. This should not be left up to the Development Agreement.
9. Regarding concrete curbing, recommend use of either an entire concrete surface roadway or use of "Ribbon" curb within the park. Concrete ribbon flat curb will help with deterioration of any asphalt edge from rig wheels running off the edge.
10. Park check-in should be sufficient enough size to ensure multiple rigs can exit major roadways and not create traffic backups at access points.
11. Individual ownership of rv spots should never be allowed.

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**SECTION 1:            AMENDMENT** “10.28.230 Accessory Buildings And Accessory Uses General Requirements” of the Apple Valley Land Use is hereby *amended* as follows:

AMENDMENT

10.28.230 Accessory Buildings And Accessory Uses General Requirements

- A. Accessory buildings and accessory uses may be authorized in association with a primary building or primary use.
- B. Accessory buildings and accessory uses shall only be authorized concurrently with, or following, the establishment of the primary building or primary use.
- C. An accessory garage may be attached to, or detached from, the primary building.
  - 1. An accessory garage that is attached to a primary building shall meet all requirements for the location of the primary building.
    - a. All garages and other accessory buildings located within ten feet (10') of the primary building shall be considered attached and part of the primary building and the setback requirements applicable to the primary building shall apply
    - b. See also AVLU 10.28.240.
- D. An accessory garage that is detached from a primary building shall meet all requirements for the location of a detached accessory building, as provided herein.
  - 1. All garages and other accessory buildings located ten feet (10') or more away from the primary building may be located no less than three feet (3') from the side or rear property line, and no portion of any garage or accessory building, including any roof overhangs, shall be allowed within one foot (1') of any property line.
  - 2. No storm water runoff from any accessory building shall be allowed to run onto adjacent property.
  - 3. See also AVLU 10.28.240.
- E. Accessory buildings, located on corner lots, shall meet the required corner side yard setback, applicable in the zoning district in which the accessory building is located.
- F. Accessory buildings, except for agricultural use accessory buildings, shall be constructed of similar materials and colors and be an architectural style designed to blend with the primary building.
- G. Agricultural use accessory buildings, including barns and stables, shall be constructed of serviceable building materials.
- H. Accessory buildings shall comply with the requirements of the adopted building code, as applicable.
- I. No mobile home, travel trailer, boat or similar recreational vehicle shall be used as an accessory building.
- J. ~~No shipping container, cargo container, shipping crate, box, trailer or similar piece of equipment or object shall be used as an accessory building, unless said container meets~~

~~the requirements of this section.~~ Shipping containers must conform to requirements established in AVLU 10.28.235.

- K. No utility connections or meters, separate from the primary building, shall be allowed for accessory buildings. Unless required by code.
- L. No accessory buildings shall be rented, leased or sold separately from the rental, lease or sale of the primary building.
- M. No accessory building shall be used as a permanent dwelling unit.
- N. No accessory building shall be located closer than three feet (3') to any side or rear property line, and no portion of any garage or accessory building, including any roof overhangs, shall be allowed within one foot (1') of any property line.
- O. No storm water runoff from any accessory building shall be allowed to run onto adjacent property.
- P. Accessory buildings used for the housing of domestic livestock or fowl shall comply with the requirements of AVLU 10.10.050 B.

**SECTION 2:            AMENDMENT** “10.28.235 Shipping Containers” of the Apple Valley Land Use is hereby *amended* as follows:

#### AMENDMENT

##### 10.28.235 Shipping Containers

- A. Shipping Containers may be used as accessory buildings to a primary residential structure ~~in rear or side yards, within property setbacks, and~~ subject to the following acreage ~~requirements~~ limitations:-
  - 1. Lots under one acre are allowed one shipping container not to exceed twenty-feet (20') in length.
  - 2. Lots between one and five acres are allowed either one (1) forty-foot (40') container or two (2) twenty-foot (20') containers.
  - 3. Lots over five acres and less than twenty acres are allowed sixty-feet (60') in total linear length of shipping containers.
  - 4. Lots twenty acres and larger are allowed eighty-feet (80') in total linear length of shipping containers.
  - 5. ~~The number of shipping containers on a parcel over five acres is not restricted.~~
- B. Shipping containers ~~may~~ shall be located in side or rear yard, are subject to all property setbacks and shall not be located within 10' of any primary structure or other accessory building or shipping container.
- C. Within one (1) month of delivery, all shipping containers must be painted to ~~either~~ match the ~~natural surroundings or the~~ primary residential structure. Letters and Numbers may not be visible on the structure.
- D. All Shipping Containers must be permitted prior to delivery.
  - 1. If utilities such as power or water will not be connected, a permit may be obtained at no cost on the Town website. Required submittals include site plan

- location and color plan.
2. If utilities will be connected, the standard building permit process must be followed and building permit fees paid. The container will be subject to inspections prior to completion.
3. ~~Shipping containers may be used as a primary residential structure or guesthouse subject to zoning requirements and standard permitting requirements. Stamped engineered structural drawings and other submittals may be required subject to requirements set forth by the building inspector and other staff.~~ Unless approved by the Planning Commission and accompanied by stamped engineered structural drawings and other submittals as required by town staff and building inspectors, shipping containers may not be used as living space.
- E. ~~Shipping Containers may not be used as living space except as provided for under AVLU 10.25.235.C.3~~ No more than two (2) shipping containers that otherwise do not meet the requirements of this section may be used for storage of construction materials for the duration of a building permit for a residential structure. If said container does not meet the requirements of this section, it shall be removed within 30 days of issuance of the Certificate of Occupancy.

**SECTION 3:            AMENDMENT** “10.04.010 Terms Defined” of the Apple Valley Land Use is hereby *amended* as follows:

#### AMENDMENT

##### 10.04.010 Terms Defined

For the purpose of this title, certain words and terms are defined as follows: Words used in the present tense include the future; words in the singular number include the plural, and words in the plural include the singular; words not included herein but defined in the building code shall be construed as defined therein.

**ADULT DAYCARE FACILITY:** Any building or structure furnishing care, supervision and guidance for three (3) or more adults unaccompanied by a guardian for periods of less than twenty four (24) hours per day.

**AGRICULTURE:** Land devoted to the raising of useful plants and animals with a reasonable expectation of profit, including, forage and sod crops, grain and feed crops, nut and fruit crops, vegetables, nursery, floral and ornamental stock, livestock animals, including domestic animals, poultry and honeybees. "Agricultural land" also includes land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop land retirement program with an agency of the state or federal government.

**SHIPPING CONTAINER: An enclosed steel box container with strength suitable to withstand shipment, storage and handling. Containers are 20'x8'x8'6"-9'6" or 40'x8'x8'6"-9'6" (LxWxH). Also commonly referred to as Intermodal Freight Containers, Conex Boxes, ISO Container or Sea Cans.**

**SHORT TERM VACATION RENTAL:** A residential unit that is rented, leased, loaned, let or otherwise hired out for a period of thirty (30) days or less.

**SITE DEVELOPMENT STANDARDS:** Established regulations concerning lot areas, yard setbacks, building height, lot coverage, open green space and any other special regulations deemed necessary to accomplish the purpose of this title.

**STABLE, PRIVATE:** A detached accessory building for the keeping of the livestock animals owned by the occupants of the premises and not kept for commercial purposes.

**STABLE, PUBLIC:** A stable other than a private stable.

**STORY:** The space within a building included between the surface of any floor and the surface of the ceiling next above.

**STORY, HALF:** A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor immediately below it.

**STREET:** A public thoroughfare which affords principal means of access to abutting property and is dedicated and improved to town standards.

**STRUCTURAL ALTERATIONS:** Any change in supporting members of a building, such as bearing walls, columns, beams or girders.

**STRUCTURE:** Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.

**SWIMMING POOL, PRIVATE:** Any structure intended for swimming, recreational bathing or wading that contains water over twenty four inches (24") (610 mm) deep. This includes in ground, aboveground and on ground pools; hot tubs; spas and fixed in place wading pools for three (3) homes or less.

**TENT OR TEEPEE:** A collapsible shelter of fabric (such as nylon or canvas) stretched and sustained by poles and used for camping outdoors or as a temporary building.

**TINY HOME:** A Tiny Home is a stick built or small manufactured home with the structure, built or placed on a permanent foundation, and shall be less than 400 sq. feet in size. Any Tiny home that has wheels or skids and are not placed on a permanent foundation shall be considered a Recreational Vehicle and may only be placed in a Recreational Vehicle Park zone.

Land Use Designations	Zones	Typical Density	Policy Intent
<b>Residential</b>			
Very Low Density	SF-10.0, RE-10.0, RE-20.0, RE-X, PDR	1 unit per 5 acres+	Single family developments
Low Density	SF-2.5, SF-5.0, RE-2.5, RE-5.0, PDR	1 unit per 1-5 acres	Single family developments
Medium Density	SF-.25, SF-.50, SF-1.0, RE-1.0, PDR, MH	1-4 units per acre	Single family developments
High Density	Undefined, PDR	5-12 units per acre	Attached residential units such as townhomes and multi-family developments
Very High Density	Undefined, PDR	Over 12 units per acre	Multi-family high density residential uses such as apartments, condos, etc.
<b>Commercial</b>			
Commercial	C-1, C-2, C-3, PDC, PDO	n/a	Commercial uses
Tourist Commercial	Undefined, PDC	n/a	Tourist related commercial uses
<b>Public/Other</b>			
Parks	All zones	n/a	Public recreation areas, sports fields and playground area
Civic	All zones	n/a	Schools, churches, libraries, fire stations, or similar public facilities
Open Space	OS, OST	n/a	Open areas designated for no or limited development, or held for future designation
<b>Recreational</b>			
Recreational Accomodations	RVP, CTP	n/a	Accomodations for tourists such as RV Parks and Tiny Cabins
<b>Agricultural</b>			
Agricultural	A-5, A-10, A-20, A-40	1 unit per parcel	Large lot areas intended for commercial agricultural operations
<b>Industrial</b>			
Industrial	I	n/a	Manufacturing and Industrial